

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK LIVES MATTER SEATTLE-
KING COUNTY, ABIE EKENEZAR,
SHARON SAKAMOTO, MURACO
KYASHNA-TOCHA, ALEXANDER
WOLDEAB, NATHALIE GRAHAM,
AND ALEXANDRA CHEN,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

No. 2:20-cv-00887-RAJ

SUPPLEMENTAL DECLARATION OF
ALEXANDRA CHEN

I, Alexandra Chen, declare and state as follows:

1. The information contained in this declaration is true and correct to the best of my knowledge, and I am of majority age and competent to testify about the matters set forth herein.

2. I am a plaintiff in this lawsuit and previously filed declarations in support of Plaintiffs' motion for temporary restraining order and both motions for contempt.

3. I read the City of Seattle's Supplemental Response to Plaintiffs' second contempt motion, ECF 144, watched the videos of the September 7 protest submitted by the City, ECF 145-1 Exhibit B, and Sgt. Didier's written report that described his use of pepper spray, ECF 146-2 Exhibit B(39).

Placement of a Trash Bag at the Fence Outside SPOG

4. I was shocked at the City's suggestion that my placement of a bag of trash in front of SPOG was part of a larger plot to set SPOG on fire using a Molotov cocktail and the trash as fuel. *See* ECF 144 at 9-10.

5. I was shocked when I viewed the video, ECF 145-1, Exhibit B, because it did not accurately reflect what happened at SPOG. I am visible at timestamp 00:02:56, placing a garbage bag filled with trash on the ground outside of SPOG. At timestamp 00:03:35, a person can be seen picking up two of the bags of garbage and tossing them over the fence toward the SPOG building. That seemed odd because I didn't recall anything like this happening.

6. When I "rewound" the footage and watched it again, I noticed that around time stamp 0:03:30, there appeared to be break in continuity. I rewind and viewed it again, and noticed a faint time stamp at the bottom of the video reflecting the actual time of day the video was taken. The real-time time stamp when I placed the bag of garbage outside SPOG was 18:18:05 (6:18 p.m.). The real-time time stamp when someone else throws bags of trash over the fence was 18:21:13 (6:21 p.m.), nearly 3 minutes later. The cut is almost imperceptible, and nowhere in the City's papers nor in the edited video submitted to the Court did it disclose or indicate that the City cut nearly 3 minutes of video between my actions and those of another protester.

7. I was also shocked and deeply disappointed that other parts of the City's video were edited in a misleading way and intertitled with a false narrative in an attempt to falsely connect my placement of a bag of trash on the ground outside SPOG with the acts of a person who apparently possessed Molotov cocktails and intended violence.

8. As I previously testified, ECF 130 ¶ 5, I picked up trash along the protest march route as a civic service. I left the bag of trash at the fence outside the SPOG building in order to express my criticism of the role that the police union plays in resisting and preventing changes that might address positively the violence that minorities face from police officers.

1 9. I did not see nor did I expect that another person would throw any of the bags of
2 trash over the fence.

3 10. I did not believe then, nor do I believe now, that the trash I picked up—mostly
4 plastic bags, aluminum cans, and plastic bottles—was intended by anyone to serve as
5 combustible materials in order to start a fire.

6 11. I did not plan, or participate in, any acts of violence or conspire with anyone who
7 did.

8
9 **Facts Surrounding SPD’s Deployment of OC Spray In My Face**

10 12. I was also surprised at the City’s argument that SPD maced me because I was part
11 of a group that “swarmed” an individual being arrested and “failed to comply with repeated
12 commands to move back.” ECF 144 at 10-11. Both of those assertions are demonstrably false.

13 13. I was not in the dogpile. Rather, I moved back, complying with the officers
14 demands. On the video that I took and previously submitted to the Court, you can hear me
15 responding, “I’m moving, I’m moving.” Chen video (00:06 timestamp) (a true and correct copy
16 of this video can be viewed at the following link:

17 <https://www.dropbox.com/s/we2tx1njxir5t0m/Pepper%20Spray.mp4?dl=0>).

18
19 14. A woman moved into the open space and was filming when an officer maced her
20 in the face and she fell down. I rushed to help her get up so that she wouldn’t get hurt. *Id.* (00:28
21 – 00:41 timestamp). After she got up, the bike cops continued to advance. I was moving
22 backwards as fast as I could with people behind me. As I was backing away, complying with the
23 orders I had heard, an officer walked up to me and maced me directly in the face without
24 warning, for no apparent reason. You can see the orange spray cover completely the lens of my
25 phone. *Id.* (00:45 timestamp).
26

1 15. Sgt. Didier's body-worn video confirms my account. ECF 145-1 Exhibit B at
2 23:38 – 24:30. It shows that I was walking backwards when I was sprayed directly in the face.
3 There were others who were standing with me. None of them were sprayed.
4

5 16. Sgt. Didier's body-worn video shows him, immediately after spraying me,
6 spraying an individual who appeared to be throwing something. ECF 145-1 Exhibit B at 24:28 –
7 24:30. That person was several feet behind me and to my right, as can be seen in Sgt. Didier's
8 body-worn video. *Id.* Unlike that person, I threw nothing.
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10 Executed this 9th day of November 2020 at SEATTLE, WASHINGTON.

11 I declare under penalty of perjury under the laws of the United States and the State of
12 Washington that the foregoing is true and correct.

13
14 By: 

15 ALEXANDRA CHEN
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